

## Maine Revised Statutes

### Title 38: WATERS AND NAVIGATION

#### Chapter 13: WASTE MANAGEMENT HEADING: PL 1987, c. 517, §4 (rpr)

##### §1319-I. FEES

**1. Fees for actions taken on the site of generation.** Any person in the State who generates more than 1,000 kilograms of hazardous waste in any calendar month shall pay a fee as follows:

A. For hazardous waste that is disposed of on the site of generation in a licensed hazardous waste disposal facility, 3¢ a pound; and [2005, c. 549, §1 (AMD).]

B. For hazardous waste which is stored on the site of generation in a licensed hazardous waste storage facility for more than 90 days, but less than 6 calendar months, and for each time period thereafter or 6 calendar months or portion thereof, .5¢ a pound. [1987, c. 491, §25 (RPR).]

[2005, c. 549, §1 (AMD).]

**2. Fees for action taken off site of generation.** Any person who transports hazardous waste in the State shall pay a fee as follows:

A. For hazardous waste that is transported off the site to a licensed hazardous waste disposal facility for disposal, 3¢ a pound; and [2005, c. 549, §2 (AMD).]

B. For hazardous waste that is transported off the site to a licensed hazardous waste treatment facility for treatment, storage facility for storage or other licensed facility for handling, including beneficial reuse, reclamation or recycling, 3¢ a pound. [2005, c. 549, §3 (AMD).]

C. [1987, c. 491, §25 (RP).]

D. [1987, c. 491, §25 (RP).]

Fees required under this subsection for hazardous waste that is transported off a federally declared Superfund site that was added to the national priorities list by the United States Environmental Protection Agency pursuant to 40 Code of Federal Regulations, Part 300 on or before January 1, 1997 may not exceed \$200,000 per site in any calendar year.

[2005, c. 549, §§2, 3 (AMD).]

##### **2-A. Fees for noncompliance with reduction requirements.**

[2009, c. 579, Pt. B, §13 (AFF); 2009, c. 579, Pt. B, §11 (RP).]

**3. Fee for transportation into Maine from out of state.** If hazardous waste or waste oil is transported into Maine from out of state, the person who first transports the hazardous waste or waste oil into Maine shall pay the fee indicated by the schedules outlined in subsection 2 for hazardous waste or subsection 4-A for waste oil, as if that person were the waste oil dealer.

[2005, c. 549, §4 (AMD).]

**4. Fee for failure to treat or dispose of hazardous waste within 90 days from arrival.** Any person who owns or operates a hazardous waste treatment or disposal facility and who does not treat or dispose of the hazardous waste within 90 days from the date the hazardous waste arrives at the hazardous waste facility shall pay a fee according to the fee schedule in subsections 1 and 2.

[1987, c. 491, §25 (RPR).]

**4-A. Fee on waste oil sale or disposal.** A fee of 2¢ a gallon on each gallon of waste oil transported, collected or stored must be paid by the waste oil dealer that first transports, collects or stores that waste oil. Waste oil dealers shall maintain records sufficient to determine whether the dealer is liable for any and all fees imposed pursuant to this subsection and shall submit such records to the commissioner as required by rule of the board.

[ 2005, c. 549, §5 (AMD) .]

**4-B. Fee on hazardous materials transported by railroad.** Any person who transports more than 25 tons of certain hazardous materials as specified in this subsection at any one time by rail shall register annually with the commissioner. Fees for the transportation of hazardous materials by rail are imposed on the registrant who first transports the materials in the State by rail. Fees for the transportation of hazardous materials are determined by one of the following methods:

A. Fifteen cents per ton of hazardous materials transported by the registrant during the period of registration paid quarterly by the registrant on the basis of records certified to the commissioner; or [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §260 (AMD).]

B. Twenty-five thousand dollars paid at the time of registration. [1989, c. 890, Pt. A, §40 (AFF); 1989, c. 890, Pt. B, §260 (AMD).]

The registrant shall select the method of payment at the time of registration. Fees are paid to the department and upon receipt credited to the Maine Hazardous Waste Fund. A registrant selecting quarterly payments is automatically subject to the \$25,000 annual registration fee if the fee for any quarter has not been paid to the Maine Hazardous Waste Fund within 60 days after the fee becomes due. Hazardous materials subject to the requirements of this subsection are those substances listed in 49 Code of Federal Regulations, Part 172.101, Subpart B, 1994, except that, for purposes of this subsection, "hazardous materials" does not include oil as defined in Title 38, section 542, subsection 6. The registrant shall make available to the commissioner and the commissioner's authorized representatives all documents relating to the hazardous materials transported by the registrant during the period of registration.

[ 1995, c. 642, §12 (AMD) .]

**5. Time of payment of fees.** Fees required by this section shall be paid according to time schedules established by the commissioner, but not more frequently than quarterly.

[ 1981, c. 478, §7 (NEW) .]

**6. Penalty for late payment of fee.** In addition to any other liability or penalty imposed by law, any person liable for any fee imposed by this section shall pay 3 times the appropriate fee if the fee has not been paid to the Maine Hazardous Waste Fund within 6 months after the fee becomes due.

[ 1981, c. 478, §7 (NEW) .]

**7. Fees reduced when fund reaches limit.**

[ 1987, c. 750, §6 (RP) .]

**8. Limit on fees.** No person may be required to pay, for any calendar year, more than \$15,000 in fees under subsection 1.

[ 1987, c. 491, §25 (RPR) .]

**9. Hazardous waste subject to fees.** No hazardous waste may be subject to the fees established in this section unless the waste is identified under section 1319-O, subsection 1, provided that waste identified under section 1319-O, subsection 1, paragraph B, shall not be subject to the fees until 90 days after the next regular session of the Legislature.

[ 1987, c. 517, §27 (AMD) .]

**10. Sunset on certain fees.**

[ 1983, c. 342, §11 (RP); 1983, c. 432, §9 (RP) .]

**11. Waiver.** The commissioner may waive payment of fees under this section if the commissioner finds the amount involved is too small in relation to the cost of collection.

[ 2001, c. 626, §19 (NEW) .]

**SECTION HISTORY**

1981, c. 478, §7 (NEW). 1983, c. 342, §§9-11 (AMD). 1983, c. 432, §9 (AMD). 1983, c. 467, §2 (AMD). 1987, c. 491, §25 (AMD). 1987, c. 517, §27 (AMD). 1987, c. 750, §§5,6 (AMD). 1987, c. 787, §19 (AMD). 1989, c. 419, (AMD). 1989, c. 890, §§A40,B259, 260 (AMD). 1989, c. 929, §6 (AMD). 1991, c. 520, §5 (AMD). 1995, c. 642, §12 (AMD). 1997, c. 258, §1 (AMD). 2001, c. 626, §19 (AMD). 2005, c. 549, §§1-5 (AMD). 2009, c. 579, Pt. B, §11 (AMD). 2009, c. 579, Pt. B, §13 (AFF).

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